

REMARKS

Claims 30-57 are pending in this application, with claims 30, 48 and 53 being independent. Claims 1-19, 25 and 27-29 have been canceled; and claims 30-57 have been added. Support for the new claims may be found in the application at least at Fig. 4 and at pages 11-12 and 14-16. No new matter has been introduced.

New claim 30 recites a method of providing content relevant to television programming that includes determining television programming being viewed by a viewer at a particular time and determining, based solely on the television programming, a first category of context information. A determination is made whether first context information associated with the television program and categorized in the first category of context information is available for access. Conditioned on the first context information being available for access, the first context information is selected and delivered to the viewer. A second category of context information is determined based solely on the television programming. Conditioned on the first context information not being available for access, a determination is made whether second context information associated with the television program and categorized in the second category of context information is available for access. Conditioned on the second context information being available for access, the second context information is selected and delivered to the viewer.

In one particular implementation example, the television programming being viewed by the viewer at a particular time is the Season Finale of Friends on NBC. A first category of context information is determined, based solely on the television programming, to be the Season Finale of Friends, and a second category of context information is determined, based solely on the television programming, to be the Friends television show. A determination is made whether context information is available for access in the Season Finale of Friends category. If context information is available for access in the Season Finale of Friends category, the context information is selected and delivered to the viewer. Conditioned on no context information being available for access in the Season Finale of Friends category, a determination is made whether context information is available for access in the Friends television show category. If context information is available for access in the Friends television show category, the context information is selected and delivered to the viewer.

Applicants submit that claim 30, and its dependent claims 31-47, are patentable because neither Yen (U.S. Patent No. 5,991,799), Bournas (U.S. Patent No. 6,061,679), Matthews (U.S. Patent No. 5,654,748), Feinleib (U.S. Patent No. 6,637,032), nor any proper combination of the four describes or suggests the selection and delivery of context information to a viewer of television programming at a particular time by determining, based solely on the television programming, a first category and a second category of context information, determining whether first context information categorized in the first category is available for access, and conditioned on the first context information categorized in the first category not being available for access, determining whether second context information categorized in the second category is available for access.

As acknowledged by the Examiner in the Advisory Action of February 6, 2006 and in the Examiner's Answer of October 5, 2006, Yen discloses selection of content for presentation to a viewer based on the preferences of the viewer. See Advisory Action, page 2 and Examiner's Answer page 16. The Examiner asserts that these preferences indicate types or categories of information that the viewer is likely interested in. *Id.* Accordingly, the categories determined by Yen's system are not determined solely based on the television programming being viewed, as claimed. Rather, the categories are determined at least in part, based on the preferences or interests of the particular viewer that views the television programming. Accordingly, Yen fails to describe or suggest the above features.

Bournas also fails to describe or suggest the above features. Bournas discloses a search method and a data structure that enable an entity or user to specify a key or address (e.g., an IP address) and efficiently find one or more target records (i.e., data records) associated with the specified key. See Bournas, e.g., at abstract; col. 5, lines 10-13; col. 12, line 43 to col. 14, line 10. The categories described by Bournas, however, are not determined based solely on television programming being viewed, but rather are determined based on key mask ranges of target records.

Matthews and Feinleib do not remedy the deficiencies of Yen and Bournas discussed above. In particular, Matthews and Feinleib do not describe or suggest the selection and delivery of context information to a viewer of television programming at a particular time by determining, based solely on the television programming, a first category and a second category of context

information, determining whether first context information categorized in the first category is available for access, and conditioned on the first context information categorized in the first category not being available for access, determining whether second context information categorized in the second category is available for access. Rather, Matthews relates to a system for providing an electronic programming guide that includes TV schedules and information about a TV program being viewed, and Feinleib relates to a system for synchronizing supplemental content with a television program by using unique data character string in the closed captioning of the television program.

For at least these reasons, applicants assert that claim 30 and its dependent claims 31-47 are patentable over Yen, Bournas, Matthews, Feinleib, or any combination thereof.

New claim 48 recites a method of providing content relevant to television programming that includes determining television programming being viewed by subscribers at a particular time and determining a first category of context information based on a television program. A determination is made whether first context information associated with the television program and categorized in the first category of context information is available for access. Conditioned on the first context information being available for access, the first context information is selected and delivered to all subscribers determined to be viewing the television program at the particular time. A second category of context information is determined based on the television program. Conditioned on the first context information not being available for access, a determination is made whether second context information associated with the television program and categorized in the second category of context information is available for access. Conditioned on the second context information being available for access, the second context information is selected and delivered to all subscribers determined to be viewing the television program at the particular time.

Applicants submit that claim 48, and its dependent claims 49-52, are patentable because neither Yen, Bournas, Matthews, Feinleib, nor any proper combination of the four describes or suggests the selection and delivery of context information to all subscribers viewing a television program at a particular time by determining, based on the television program, a first category and a second category of context information, determining whether first context information categorized in the first category is available for access, and conditioned on the first context

information categorized in the first category not being available for access, determining whether second context information categorized in the second category is available for access.

As discussed above, Yen's selection and delivery of content to a user is based at least in part on the individual preferences of the user. Accordingly, content selection contemplated by Yen is specific to or tailored to each individual user, and, as such, content selected by Yen's system for delivery to a first user watching a particular television program at a particular time is different from content selected for delivery to a second user having different interests, despite the second user being determined to be watching the same television program at the same time as the first user. Accordingly, Yen does not contemplate selection and delivery of context information to all subscribers viewing a television program at a particular time by determining, based on the television program, a first category and a second category of context information, determining whether first context information categorized in the first category is available for access, and conditioned on the first context information categorized in the first category not being available for access, determining whether second context information categorized in the second category is available for access. Bournas, Matthews and Feinleib, alone or in combination, also fail to describe or suggest these features.

For at least these reasons, applicants assert that claim 48 and its dependent claims 49-52 are patentable over Yen, Bournas, Matthews, Feinleib, or any combination thereof.

New claim 53 recites a method of providing content relevant to television programming that includes determining television programming being viewed by a viewer at a particular time and determining, regardless of preferences of the viewer and based on the television programming, a first category of context information. A determination is made whether first context information associated with the television program and categorized in the first category of context information is available for access. Conditioned on the first context information being available for access, the first context information is selected and delivered to the viewer. A second category of context information is determined regardless of preferences of the viewer and based on the television programming. Conditioned on the first context information not being available for access, a determination is made whether second context information associated with the television program and categorized in the second category of context information is available for access. Conditioned on the second context information being available for access, the second

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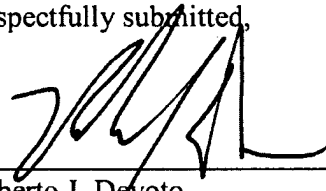
context information is selected and delivered to the viewer. Applicants submit that claim 53 and its dependent claims 54-57 are patentable over Yen, Bournas, Matthews, Feinleib, or any combination thereof for at least the reasons described above with respect to claim 30.

Applicants submit that all claims are in condition for allowance.

Applicants do not acquiesce in the Examiner's characterizations of the art. For brevity and to advance prosecution, however, applicants may have not addressed all characterizations of the art and reserve the right to do so in further prosecution of this or a subsequent application. The absence of an explicit response by the applicants to any of the examiner's positions does not constitute a concession of the examiner's positions. The fact that applicant's comments have focused on particular arguments does not constitute a concession that there are not other arguments for patentability of the claims. All of the dependent claims are patentable for at least the reasons given with respect to the claims on which they depend.

Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,



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